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25306	7590	10/22/2004	EXAMINER	
LAW OFFICES OF RAYMOND A. NUZZO, LLC			RADA, ALEX P	
579 THOMPSON AVENUE			ART UNIT	
EAST HAVEN, CT 06512			PAPER NUMBER	
			3714	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/091,822

Applicant(s)

DEFREES-PARROTT ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Election/Restriction*

In response the Election/Restriction filed July 28, 2004 in which the applicant's have elected Group I claims 1-14. Upon further review, the examiner withdraws the Election/Restriction and claims 1-24 are pending in this office action.

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a program diagram of the method claims 1-7 and 15-19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 8-11, the phrase, "the active pay-table has an inactivated wherein the symbol of the active pay-table is subdued in appearance and an inactivated state wherein that symbol of the active pay-table is clearly visible" is vague and confusing. Perhaps the applicant meant to say, "an active state wherein that symbol of the active pay-table is clearly visible." The same is true for independent claim 8.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills Bonus (1937).

6. Mills Bonus discloses the following:

A means for providing symbols for each play of the gaming machine (figure 1), a game display (figure 1), a means for providing a pay-out to a player when predetermined symbols appears appear in the game display (figure 1), a pay-table display (figure 1, "B") for displaying an active pay-table (figure 1, "A" and "B") the active pay-table having symbols that match the provided symbols displayed in the game display, in which the examiner interprets the word "BONUS" appearing in the display to be an equivalent to the symbols that match the provided symbols displayed in the game display (Figure 1, "A"), the payable display being configured such that each symbol of the active pay-table has an inactivated state having the symbol subdued in appearance, in which the examiner interprets the blank space to be an equivalent to the active pay-table has an inactivated state having the symbol subdued in appearance and an active state having the symbol clearly visible, in which the examiner interprets the letters of the word "BONUS" to be an equivalent to an active state having the symbol clearly visible, means for activating symbols on the active pay-table in response to the provided symbols appearing in the game display (pg. 139), means for providing a pay-out to a player when a predetermined symbols appear in the game display (figure 1 and pg. 139) and a means for providing a pay-table to the player when t a predetermine symbol on the active pay-table are activated (figure 1 and pg. 139) as recited in claims 1 and 8.

A means for initializing the pay-table display prior to play of the gaming machine so as to inactivate all symbols of the active pay-table that were

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previously in the activated state, in which the examiner interprets the means for initializing to be an equivalent to a reset feature which is inherent to the game system of Mills Bonus as recited in claims 2 and 9.

A means for inputting a wager into the gaming machine (figure 1) as recited in claims 3 and 10.

The gaming machine is a slot machine (figure 1) having a predetermined number of reels visible in the game display, each reel having a predetermined number of symbols thereon and a means for spinning the reels (Figure 1) as recited in claims 4 and 11.

The slot machine has at least one pay-line on the game display and the results of the at least one pay-line is base upon the combination of symbols that arrive at the pay-line as recited in claims 5 and 12.

A means for activating symbols on the active pay-table that match the symbols arriving at the pay-line as recited in claims 6 and 13.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills Bonus (1937) in view of Kaminkow (US 6,695,696).

9. Mills Bonus discloses the claimed invention as discussed above except for the following:

The at least one pay-line having a plurality of pay-lines and the activating means having a means for activating the symbols on the active pay-table that match the symbols arriving at all of the pay-lines as recited in claims 7 and 14.

Kaminkow teaches the following:

The at least one pay-line having a plurality of pay-lines (figure 3B) and the activating means having a means for activating the symbols on the active pay-table that match the symbols arriving at all of the pay-lines (figures 6K, 6L and column 12, lines 13-20 and lines 38-52) as recited in claims 7 and 14. By having a plurality of paylines and matching the symbols arriving at all of the paylines, one of ordinary skill in the art would provide game players easily see the source of an award from a multitude of paylines.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Mills Bonus to include having a plurality of pay-lines and the activating means having a means for activating the symbols on the active pay-table that match the symbols arriving at all of the pay-lines as taught by Kaminkow to provide game players easily see the source of an award from a multitude of paylines.

10. Claims 15, 19-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard et al (US 6,364,767) in view of Mills Bonus (1937).

11. Brossard et al discloses the following:

A game display for displaying symbols resulting from normal play of the gaming machine (114), a bonus pay-table (figure 8), a means for effecting play of

the gaming machine so that symbols appear in the game display in accordance with normal play (column 3, lines 12-14), means for providing a payout to a player when predetermined symbols appear in the game display (column 3, lines 12-14), and a means for determining if predetermined criteria has been met (column 3, lines 12-22) as recited in claims 15 and 20.

The predetermined criteria is a predetermined bonus trigger symbol that appears in the game display (column 3, lines 12-22) as recited in claims 19 and 24.

Brossard et al does not expressly disclose the following:

An active pay table having symbols that match symbols displayed in the game display, the paytable display being configured such that each symbol of the active pay-table has an inactivated state having the symbol subdued in appearance, in which the examiner interprets the blank space to be an equivalent to the active pay-table has an inactivated state having the symbol subdued in appearance and an active state having the symbol clearly visible, means for activating symbols on the active pay-table in response to the provided symbols appearing in the game display, means for providing a pay-out to a player when a predetermined symbols appear in the game display and a means for providing a pay-table to the player when a predetermined symbol on the active pay-table are activated as recited in claims 15 and 20.

Mills Bonus teaches the following:

An active pay-table (figure 1, "A" and "B") having symbols that match the provided symbols displayed in the game display, in which the examiner interprets the word "BONUS" appearing in the display to be an equivalent to the



symbols that match the provided symbols displayed in the game display (Figure 1, "A"), the paytable display being configured such that each symbol of the active pay-table has an inactivated state having the symbol subdued in appearance, in which the examiner interprets the blank space to be an equivalent to the active pay-table has an inactivated state having the symbol subdued in appearance and an active state having the symbol clearly visible, in which the examiner interprets the letters of the word "BONUS" to be an equivalent to an active state having the symbol clearly visible, means for activating symbols on the active pay-table in response to the provided symbols appearing in the game display (pg. 139), means for providing a pay-out to a player when a predetermined symbols appear in the game display (figure 1 and pg. 139) and a means for providing a pay-table to the player when t a predetermine symbol on the active pay-table are activated (figure 1 and pg. 139) as recited in claims 15 and 20. By having symbols that match an active pay-table in a bonus type game, one of ordinary skill in the art would provide game players a chance at an increased payout outcome.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brossard et al to include an active pay table having symbols that match symbols displayed in the game display, the paytable display being configured such that each symbol of the active pay-table has an inactivated state having the symbol subdued in appearance, in which the examiner interprets the blank space to be an equivalent to the active pay-table has an inactivated state having the symbol subdued in appearance and an active state having the symbol clearly visible, means for activating symbols on the active

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pay-table in response to the provided symbols appearing in the game display, means for providing a pay-out to a player when a predetermined symbols appear in the game display and a means for providing a pay-table to the player when a predetermined symbol on the active pay-table are activated as taught by Mills Bonus to provide game players a chance at an increased payout outcome.

12. Claims 16-18 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard et al (US 6,364,767) in view of Mills Bonus (1937) as applied to claims 15 and 20 above, and further in view of Meekins et al (US 6,685,563).

13. Brossard et al in view of Mill Bonus disclose the claimed invention as discussed above except for the following:

The predetermined criteria is a predetermined cumulative amount of money that must be wagered by the player during normal play of the game machine as recited in claims 16 and 21.

The predetermined criteria is the random generation of a predetermined number as recited in claims 17 and 22.

The predetermined criteria is a predetermined amount of elapsed time in the player engages in normal play of the gaming machine as recited in claims 18 and 23.

Meekins teach the following:

The predetermined criteria is a predetermined cumulative amount of money that must be wagered by the player during normal play of the game machine (column 4, lines 47-52) as recited in claims 16 and 21. By having a predetermined cumulative amount of money that must be wagered by the player

during normal play of the game machine, one of ordinary skill in the art would ensure game players the advancement to the bonus game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brossard to further include is a predetermined cumulative amount of money that must be wagered by the player during normal play of the game machine as taught by Meekins to ensure game players the advancement to the bonus game.

At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to provide a random generation of a predetermined number and a predetermined amount of elapsed time in the player engages in normal play of the gaming machine as predetermined criteria for advancement to a bonus type play as recited in claims 17-18 and 22-23 to ensure game players the advancement to the bonus game as taught by Meekins, because Applicant has not disclosed that having a random generation of a predetermined number and a predetermined amount of elapsed time in the player engages in normal play of the gaming machine as predetermined criteria for advancement in a bonus type play provides an advantage or solves a stated problem.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Yoseloff `969, Anderson `766, Falciglia `798, Cole `575, Acres et al. `768, Fasbender Pub. 2002/0086752, Walker `430, Hughs-Baird et al. `156, and Thomas GB `307 all disclose different types of gaming machines with active type payable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
APR



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